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003/019

Application Serial No. 09/755,738

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have
5 greatly assisted Applicant in responding.

2. 35 USC §102.

10 First, the Examiner rejected Claims 1-8, 14-30, 35, 38-42, 48, 50-73, and 79-82
under 35 USC §102(b) as being anticipated by Roman (Roman, Ernan, "The
Underachieving Database," A.D.M.T. Supplement, pp: 48-55, June 1996.)

Applicant respectfully traverses.

15 The claimed invention provides a methodology that addresses the challenges
created by the proliferation of message delivery mechanism, coupled with the
rapid development of new tools and techniques designed to increase the level of
sophistication and accuracy allowed within a given marketing campaign. That is,
one aspect of the invention addresses the coordination of marketing messages
20 within and across marketing campaigns that, because of the proliferation, are
more challenging to manage, more complicated to produce, and more critical to
the success of any enterprise. One aspect of the invention addresses the problem
that all data of customer transactions are used by more and more people, which
creates a greater need for integrated tools and systems to manage the data. One
25 aspect of the invention addresses the lack of consistent ability to capture and
integrate customer information and transaction data from across an enterprise.
One aspect of the invention addresses the problem that users from different
locations or working in different departments/divisions of a single enterprise
seldom don't each have access to the same customer data because such data is
30 typically captured and housed in legacy systems designed for specific tasks that
are unique to an individual department or functional area. Hence such aspect of

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the invention provides a single user with a complete understanding of the depth or breadth of a given customer relationship. (Background)

5 More specifically, one aspect of the invention provides cross-channel knowledge required for consistent, personalized customer management and marketing decisions. That is, such aspect of the invention provides for information collected at all push and pull touchpoints, wherein such touchpoints include email, direct mail, stores, inbound and outbound telemarketing, Web sites and kiosks. As a result, the user has a complete picture of each customer's behavior and
10 preferences. This helps drive profitability across all user channels and product lines. (Specification, page 85, lines 6-13.)

To wit, the claimed invention enables information is collected at both push and pull touchpoints, including email, direct mail, inbound and outbound telemarketing,
15 Web sites and kiosks, and is transformed into real-time, customer-specific marketing actions. For example, a user can track a Web shopper's click history, combine it with past purchasing behavior, and instantly offer a cross-sell item while the customer is still on the user's site. (Specification, page 87, lines 18-23.)

20 In stark contrast, Roman discloses integrated direct-marketing (IDM) concept, wherein **IDM is defined as a structured, repeatable process for the precision deployment and synchronization of marketing media and field sales** to generate double digit response and decrease cost of sale (Roman: page 2, 8th full paragraph.) It is evident that Roman is concerned with **and limited to field and**
25 **marketing working together**. (Roman; page 3, 7th paragraph.) Roman discloses that the field must define the criteria for what they consider to be a good lead (Roman: page 5, paragraph 5.)

Nowhere does Roman disclose or enable information collected at both push and
30 pull touchpoints, including email, direct mail, inbound and outbound telemarketing.

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Web sites and kiosks, and is transformed into real-time, customer-specific marketing actions.

5 However, in view of the discussion hereinabove, Applicant has amended independent Claims 1 and 85 to further clarify the invention.

10 According to MPEP 2131, to anticipate a claim, the reference must teach every element of the claim. More specifically, MPEP 2131 states as follows (emphasis added):

15 **"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim,"**

20 Roman fails to teach every element of the claim as well as Roman does not teach the elements as arranged as required by Claim 1 (85).

25 Accordingly, Applicant is of the opinion that independent Claims 1 and 85, and the respective dependent Claims, are in condition for allowance because the cited reference does not teach all claim limitations. Applicant respectfully requests that the Examiner withdraw the rejections under 35 USC §102(b) regarding Claim 1 and its dependent Claims and under 35 USC §103(a) regarding Claim 85 and its dependent Claims.

30 It should be appreciated that the claims are amended only for the purpose of expediting prosecution, and not for establishing patentability. The Examiner is not to interpret Applicant's action as an agreement with the Examiner's findings. Furthermore, Applicant expressly reserves the right to pursue patent protection for the broader claims in a future application.

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CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to contact Applicant's Attorney at 408-474-8400 to discuss the response.

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Respectfully Submitted,



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Julia Thomas
Reg. No. 52,283

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Customer No. 22862